IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 381 OF 2005

SHRI DATTA BABU SINAI ZINGDE,REP.BY HIS POWER OF ATTORNEY SHRI GAJANAN D.S. ZINGDE ....Petitioner

Versus

SHRI RAMNATH BABU ZINAI ZINGDE AND 2 ORS., ...Respondents

Mr. A. R. Kantak, advocate for the petitioner.

Coram:- R. M. LODHA, J.

Date:- 28th September, 2005

P.C.

Heard Mr. A. R. Kantak, the learned counsel for the petitioner.

I perused the Order dated 29th July, 2005, impugned in the Writ Petition. The trial Court observed and that is not challenged before me that the newly added defendant is in possession and enjoyment of part of the land in the suit property. According to the newly added defendant his house exists in the part of the suit property. In this backdrop, if the trial Court held that the newly added defendant has interest in the subject-matter of the suit, the observation of the trial Court cannot be faulted.

Therefore, I am satisfied that no case for invocation of the writ jurisdiction is made out.

The Writ Petition is dismissed in limine.

R. M. LODHA, J.

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